



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL  
LITIGATION BUREAU

February 28, 2022

**BY ECF**

Hon. Eric R. Komitee  
United States District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Sabino v. Ogle, 20-CV-5861 (EK) (JRC)**

Dear Judge Komitee:

This Office represents Defendant in this case, retired Senior Parole Officer James Ogle of the New York State Department of Corrections and Community Supervision (“DOCCS”). At the pre-motion conference on February 9, 2022, the Court ordered that Defendant file a letter and submit the notification informing the New York City Department of Correction (“City DOC”) that the parole warrant was vacated, describe the mechanism for delivering that letter, and, to the best of Defendant’s ability, identify whether there were any other causes of Plaintiff’s detention in the summer of 2019. That update was provided on February 16, 2022. See Dkt. No. 19. On February 18, 2022, the Court issued a supplemental order (enclosed in Petitioner’s copy of this letter) that this Office use its best efforts to determine the communication used to notify City DOC that the parole warrant had been vacated, and the outstanding information concerning whether Plaintiff had other causes of detention.

Further inquiry has revealed that the information related in the February 16 letter that City DOC was notified by DOCCS of a vacated parole warrant by e-mail in this matter was mistaken. On follow-up, DOCCS has now clarified that the current practice of e-mailing notices of vacated warrants to City DOC has generally been employed only since the onset of the COVID-19 pandemic. However, this matter predates the COVID-19 pandemic. In the summer of 2019 parole revocation proceedings were still taking place in person, and at that time the paperwork was hand-delivered to City DOC officers by the parole officer who conducted the preliminary hearing as a matter of practice. That parole officer, Kevin Felix, has informed DOCCS’ central office in Albany that he believes he did so in this case.

Regarding other causes of detention, City DOC still has not provided responsive information to this Office’s request. This Office has checked Plaintiff’s RAP sheet, which indicates that Plaintiff had no criminal charges detaining him in the summer of 2019. That said, the RAP sheet is not necessarily conclusive, and does not include whether there may have been non-criminal causes of detention. Only City DOC, the “actual jailer” at that time, can answer those questions.

Respectfully submitted,  
/s/ David T. Cheng  
David T. Cheng  
Assistant Attorney General  
David.Cheng@ag.ny.gov

cc: Saul Sabino (via U.S. Mail and hand delivery)  
B&C 349-21-01344  
Anna M. Kross Center  
18-18 Hazen Street  
East Elmhurst, NY 11370  
*Plaintiff pro se*